

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
BRYSON DIVISION**

SHELLY M. SMITH,)	
)	
Plaintiff,)	
)	
v.)	CIVIL NO. 2:03CV261
)	
JO ANNE B. BARNHART,)	
Commissioner of Social Security,)	
)	
Defendant.)	
_____)	

FINAL JUDGMENT

Defendant Commissioner of Social Security, through counsel, has moved this Court to enter judgment. The Court has previously ordered remand of the cause to the defendant Commissioner for further proceedings pursuant to sentence six of 42 U.S.C. § 405(g).

For the reasons stated in Defendant's Motion for Entry of Judgment and pursuant to the power of this Court to enter a judgment affirming, modifying, or reversing the Commissioner's decision subsequent to remand under sentence six of 42 U.S.C. § 405(g), the Court now

ORDERS, ADJUDGES and DECREES that:

The Commissioner's decision of September 21, 2004, is **AFFIRMED** and final judgment is hereby entered.

Plaintiff shall have thirty (30) days from the entry of judgment herein, in which to file any motion for attorney fees under EAJA in this matter.

Signed: August 19, 2005

A handwritten signature in dark ink, appearing to read 'L. H. Thornburg', is written over a horizontal line.

Lacy H. Thornburg
United States District Judge

